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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,343	01/28/2004	Phillip D. Garding	MS307671.1/MSFTP618US	3295
27195 7590 04/10/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER PESIN, BORIS M	
			ART UNIT 2174	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/766,343

Applicant(s)

GARDING, PHILLIP D.

Examiner

Quan Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2004 January 28.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2004 January 28 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2004 May 27.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the application filed on 01/28/2004
2. Claims 1-30 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-19 and 21-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-19 and 21-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. These claims require the addition of tangible hardware elements to provide tangible results.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 10-13, 15, 21, 23-27, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Fein et al. U.S. Patent Number 6,565,608 (hereinafter Fein).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

As per claim 1, Fein discloses of an “interactive user messaging system comprising a receiver component that receives message components corresponding to events” by having a unique identifier correlated to an event within the software (Fein column 3 lines 58-63); “an assist component that provides one or more menu items corresponding to the respective message components in connection with addressing the events” by supplying multiple modal objects for access to multiple sources of information (Fein column 10 lines 2-8)

As per claim 2, the rejection of claim 1 is incorporated and Fein further discloses "a context component that describes errors related to a user command" by supplying information related to an error condition (Fein column 5 lines 42-45).

As per claim 3, the rejection of claim 2 is incorporated and Fein further discloses "a rationale component that provides a reason for the error" by providing information on a specific condition that caused the generation of the message (Fein column 5 lines 30-33).

As per claim 4, the rejection of claim 1 is incorporated and Fein further discloses "an advanced help component for providing technical information about events" by providing information on conditions that arise from execution of a program (Fein column 6 lines 1-3).

As per claim 5, the rejection of claim 4 is incorporated and Fein further discloses "the technical information is a stack trace" by tracking the number of errors generated by a condition (Fein column 3 lines 51-54).

As per claim 10, the rejection of claim 1 is incorporated and Fein further discloses "a command component that receives a command instruction from a user" by having an advisory signal trigger once a user has selected a control object (Fein column 16 lines 23-41).

As per claim 11, the rejection of claim 10 is incorporated and Fein further discloses "command informs a client that a user desires to issue a particular command" by having an advisory signal transmit information of a user selecting a control object to an administrator (Fein column 16 lines 23-41).

As per claim 12, the rejection of claim 1 is incorporated and Fein further discloses "a format component for receiving information regarding graphical objects and associated functionality that are to be available to a user" by providing a graphic that can be adapted to be consistent with the content of the information (Fein column 9 lines 17-23).

As per claim 13, claim 13 contains the same limitations as claim 1 and is rejected under the same rationale as set forth in connection with claim 1.

As per claim 15, the rejection of claim 13 is incorporated and Fein further discloses "help links are links to web pages containing specific information related to the message" by linking to a web page for information (Fein column 3 lines 36-39).

As per claim 21, claim 21 contains the same limitations as claims 1 and 13 and is rejected under the same rationale as set forth in connection with claims 1 and 13. In

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addition, Fein discloses "receiving a menu item selection" by providing an option for a user to select data from a generated group (Fein column 9 lines 50-56).

As per claim 23, claim 23 contains the same limitations as claim 15 and is rejected under the same rationale as set forth in connection with claim 15.

As per claim 24, the rejection of claim 21 is incorporated and Fein further discloses "providing help includes retrieving information from a database" by extracting information from a database (Fein column 16 lines 55-57).

As per claim 25, the rejection of claim 21 is incorporated and Fein further discloses "providing a pointer to a corrective mechanism" by directing a user to an information source containing a solution (Fein column 16 lines 3-8).

As per claim 26, the rejection of claim 21 is incorporated and Fein further discloses "providing help includes correcting an error" by sending a response that can include a solution to an error condition detected (Fein column 16 lines 6-8).

As per claim 27, the rejection of claim 21 is incorporated and claim 27 contains the same limitations as claim 5 and is rejected under the same rationale as set forth in connection with claim 5.

As per claim 30, the rejection of claim 21 is incorporated and Fein further discloses "A computer readable medium having stored thereon computer executable instructions for carrying out the method" by having a computer readable medium to execute instructions (Fein column 7 lines 8-34).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-8, 14, 28, and 29 are rejected under 35 U.S.C. 103(a) as being obvious over Fein et al U.S. Patent Number 6,565,608 (hereinafter Fein) in view of Pittore U.S. Patent Number 6,414,699 (hereinafter Pittore).

As per claim 6, the rejection of claim 1 is incorporated but Fein does not disclose "a message distribution component for capturing message text". However, Pittore teaches "a message distribution component for capturing message text" by having an operator actuate a copy button that enables the copying of message text (Pittore column 4 lines 57-61).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the message text-capturing component of Pittore with the message system of Fein. One of ordinary skill in the art would have been motivated to do so because having a text-capturing component would allow for the ease of saving text (Pittore column 4 lines 65-67).

As per claim 7, the rejection of claim 6 is incorporated but Fein does not disclose "message text is copied to a clipboard for further use by other applications". However, Pittore teaches "message text is copied to a clipboard for further use by other applications" by copying message text to a clipboard (Pittore column 4 lines 61-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the clipboard copying of Pittore with the message system of Fein. One of ordinary skill in the art would have been motivated to do so because having clipboard copying would allow for the ease of reuse of text (Pittore column 5 line 1).

As per claim 8, the rejection of claim 6 is incorporated but Fein does not disclose "message text is copied to the body of a new email message". However, Pittore teaches "message text is copied to the body of a new email message" by taking message text and copying to a clipboard then enabling the copied information to be accessible to other applications (Pittore column 2 lines 2-6).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the message use on other applications of Pittore with the message system of Fein. One with ordinary skill in the art would have been motivated to do so because it would allow for retention of data.

As per claim 14, the rejection of claim 13 is incorporated and claim 14 contains the same limitations as claim 7 and is rejected under the same rationale as set forth in connection with claim 7.

As per claim 28, the rejection of claim 21 is incorporated and claim 28 contains the same limitations as claim 6 and is rejected under the same rationale as set forth in connection with claim 6.

As per claim 29, the rejection of claim 28 is incorporated and claim 29 contains the same limitations as claim 8 and is rejected under the same rationale as set forth in connection with claim 8.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being obvious over Fein et al U.S. Patent Number 6,565,608 (hereinafter Fein) in view of Boulton et al. U.S. Patent Number 5,566,291 (hereinafter Boulton).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

As per claim 9, the rejection of claim 1 is incorporated but Fein does not disclose "a feedback component that provides a message corresponding to an event to a developer or company database". However, Boulton teaches of "a feedback component that provides a message corresponding to an event to a developer or company database" by providing a feedback component to the user for developers (Boulton column 11 lines 25-30).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feedback component of Boulton with the message system of Fein. One of ordinary skill in the art would have been motivated to do so because having a feedback component would allow for invaluable discovering of problems in a tested product, process or service (Boulton column 11 lines 31-34).

9. Claims 16 and 18-20 are rejected under 35 U.S.C. 103(a) as being obvious over Fein et al U.S. Patent Number 6,565,608 (hereinafter Fein) in view of Gallagher et al. U.S. Patent Number 6,314,449 (hereinafter Gallagher).

As per claim 16, Fein discloses of a "method for providing users with help associated with computer system events comprising receiving a message component" by having a unique identifier correlated to an event within the software (Fein column 3 lines 58-63) but does not disclose "generating a list of one or more messages retrieved from the message component" or "generating menu items associated with each message in the list of messages". However, Gallagher teaches of "generating a list of one or more messages retrieved from the message component" by having an interface construct a list of messages (Gallagher column 3 lines 1-3) and "generating menu items associated with each message in the list of messages" by including an identifier that directs to a web page for help and a number for the message (Gallagher column 3 lines 3-10).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the list generation and menu item association of Gallagher with the message system of Fein. One of ordinary skill in the art would have been motivated to do so because having a list of messages and menu item association would greatly aid in finding specific messages and view a detailed explanation of a message to further understand the message (Gallagher column 1 lines 35-40).

As per claim 18, the rejection of claim 16 is incorporated and claim 18 contains the same limitations as claim 15 and is rejected under the same rationale as set forth in connection with claim 15.

As per claim 19, the rejection of claim 16 is incorporated and Fein further discloses "menu items generate a query for a database" by examining a database for a value corresponding to a unique identifier related to the message (Fein column 4 lines 13-16).

As per claim 20, the rejection of claim 16 is incorporated and Fein further discloses "A computer readable medium having stored thereon computer executable instructions for carrying out the method" by having a computer readable medium to execute instructions (Fein column 7 lines 8-34).

10.. Claim 17 is rejected under 35 U.S.C. 103(a) as being obvious over Fein et al U.S. Patent Number 6,565,608 (hereinafter Fein) in view of Gallagher et al. U.S. Patent Number 6,314,449 (hereinafter Gallagher), further in view of Smith et al. U.S. Patent Number 5,678,013 (hereinafter Smith).

As per claim 17, the rejection of claim 16 is incorporated but the modified Fein does not disclose "the list of messages is a hierarchical linked list". However, Smith teaches "the list of messages is a hierarchical linked list" by setting up a hierarchy of objects that arranged by classification (Smith column 22 lines 29-34).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the hierarchical list of Smith with the message system of the modified Fein. One of ordinary skill in the art would have been motivated to do so because having a hierarchical list would allow for classification of data (Smith column 22 lines 37-40).

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being obvious over Fein et al U.S. Patent Number 6,565,608 (hereinafter Fein) in view of Smith et al. U.S. Patent Number 5,678,013 (hereinafter Smith).

As per claim 22, the rejection of claim 21 is incorporated but Fein does not disclose "messages are displayed hierarchically from the least specific to the most detailed". However, Smith teaches "messages are displayed hierarchically from the

least specific to the most detailed” by setting up a hierarchy of objects that arranged in a most-general to most-specific order (Smith column 22 lines 29-34).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the most-general to most-specific hierarchical list of Smith with the message system of Fein. One of ordinary skill in the art would have been motivated to do so because having a most-general to most specific hierarchical list assists the navigation of messages (Smith column 22 lines 26-29).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan Nguyen whose telephone number is 571-270-1406. The examiner can normally be reached on 7:30-4 Mon-Fri.

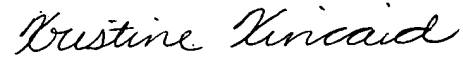
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quan Nguyen
Patent Examiner
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